

JEFFERSON DAVIS,

AND

HIS COMPLICITY IN THE ASSASSINATION

OF

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES,

AND

WHERE THE TRAITOR SHALL BE TRIED FOR TREASON.

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### I.

“WE hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.” These words were referred to in emphatic terms by Mr. LINCOLN, then President elect, on Washington’s birthday, the 22d of February, 1861, when hoisting the American flag high over Independence Hall. “But,” said he, “if this country cannot be saved upon that principle it will be truly awful. But if this country cannot be saved without giving up this principle, I was about to say, *I would rather be assassinated on this spot than surrender it.*” And for sustaining and carrying out this noble and sublime principle he was assassinated in the capital of his native land by an organized conspiracy of ruffians and traitors hired by Jefferson Davis and his associates in treason and murder.

To every man of common sense the evidence is overwhelming, and the crime is in keeping with the cold, cruel, and vindictive temper of the arch rebel who was a careful student of Machiavelli and of the policy of his hero, Cæsar Borgia.

And yet the morbid commiseration of humanizing philosophers and rebel sympathizers would release from a

merely nominal confinement, with the enjoyment of every comfort as to food, raiment, and the society of his family, a man who had deliberately starved and murdered our poor Union soldiers who had become the prisoners of this fiendish rebel and his ruffian associates and tools.

All agree that he was guilty of treason, and if justice is done him, he has simply to go through the form of a trial by a judge and an impartial jury, be convicted, and hung as an example to all future time.

*What, then, is the law as to the place of trial by which this just result is to be obtained?*

Crimes are divided into three classes—treason, felony, and misdemeanor. In the first and last all are principals, and this explains the language of the English statutes, and of our Constitution and act of Congress treating all persons committing that crime as principals.

“It is a sure rule in law that in *alta proditio nul potest esse accessorius sed principalis solummodo*. This rule being well understood will open the reason of divers cases which yet are involved in darkness.” “Now in treason, thus far, it is agreed on all hands:

1. “That there are no accessories *a parte ante*, but all such as counsel, conspire, aid or abet, the committing of any treason, *whether present or absent, are all principals.*” “*For in high treason of all kinds all the participes criminis are principals.*” “As all aecomplices in treason are principals, as much as those who do the act, there is nothing to remark of difference between them in respect to the indictment.” “In high treason there are no accessories, but all are principals; the same acts that make a man accessory in felony, making him a principal in high treason because of the heinousness of the crime.”

So, too, the very latest English text-book on criminal law says:

“In high treason there are no accessories, but all are principals on account of the heinousness of the crime;” and the same rule is laid down in the last edition of the very learned treatise of our American commentator on the criminal law. And the same rule is applicable to all misdemeanors.

In the *Commonwealth vs. Gillespie*, where the defendant had Mr. Binney and Mr. Chauncey as his counsel, Judge Duncan said: “It made no difference where Gillespie resided, if he conspired to sell *New York* lottery tickets in *Pennsylvania* with his agent, and the agent effected the act, the object of the unlawful conspiracy, he is answerable criminally to our laws. In this offence there is no accessory. It must be recollected the conspiracy is a matter of inference, deducible from the acts of the parties accused, done in pursuance of an apparent criminal purpose in common between them, and which rarely are confined to one place; and if the parties are linked in one community of design and of interest, there can be no good reason why both may not be tried where *one distinct OVERT ACT is committed*. For he who procures another to commit a misdemeanor is guilty of the fact, in whatever place it is committed by the procuree. For if Gillespie was not accountable to our laws, then this offence would, within our State, be committed by him with impunity.”

The same doctrine was laid down in the case of *The People vs. Adams*, by the old Supreme Court of New York, and affirmed unanimously by the Court of Appeals, under the new Constitution. In this case, the defendant’s counsel were Henry Stanbery, the present Attorney-General of

the United States, and the late George Wood, who was at the head of the New York bar.

This was a felony, perpetrated by the defendant, residing in Ohio, by means of an innocent agent in New York, where the crime was committed. All the authorities were cited and discussed in both courts, and no other court has ever disputed the law as enunciated by the New York courts.

“But,” said Mr. Justice Grier, in his very able opinion in *The United States vs. Hanway*, “in treason all are principals, and a man may be guilty of aiding and abetting though not present;” and the same learned judge gives the true meaning of constructive treason in the same opinion. “The better opinion then at present seems to be, that the term ‘levying war’ should be confined to insurrections and rebellions for the purpose of overturning the government by force and arms. Many of the cases of *constructive treason* quoted by Foster, Hale, and other writers, would perhaps now be treated merely as aggravated felonies.”

Where, then, shall Jefferson Davis be tried? Not in Virginia or any rebel State; for there the trial would be a farce enacted by the authorities at Washington simply to secure his escape from all punishment for the crime of treason. There was the overt act of the battle of Antietam in Maryland, and of the battle of Gettysburg in Pennsylvania, both of which could be proved by two witnesses. Let him be tried in Pennsylvania by two loyal judges and by a loyal jury.

## II.

The report of the Judiciary Committee of the House of Representatives, furnishes ample food for reflection upon the characters of the leading spirits of the rebellion, and of the tools and means employed by them to secure the success of their perfidy and treason. "The secession of South Carolina" (and of course of the slave States), said Mr. Rhett, "is not an event of a day. It is a matter which has been gathering head for thirty years." "I have been engaged," said Mr. Keitt, "in this movement ever since I entered political life." "It is no spasmodic effort," said Mr. Parker, "that has come suddenly upon us; it has been gradually culminating for a long period of thirty years."

Howell Cobb, who had been studiously ruining the financial credit of the government, and had arranged his plans for the secession of Georgia, had his views communicated by his tool, the Assistant Secretary of State, to the editor of the Charleston *Mercury*, on the 1st November, 1860, before the Presidential election; and Judge Black, the Attorney-General, with a full knowledge of the traitorous views of his fellow members of the Cabinet, Cobb, Floyd, and Thompson, on the 20th of the same month, in an official opinion to President Buchanan, pointed out the method by which a seceding State could leave the Union, and the government would have no right, by force of arms, or in any other way, to compel obedience to the laws of the land. This was what the President and the Southern traitors wished.

The seed of secession had been sown and manured by a

disappointed Presidential candidate, whose life General Jackson regretted he had spared. The dragon's teeth sprung up armed men.

This traitorous feeling, nourished through thirty years, brought on certain evil effects arising from the abnormal state of Southern society, consisting of a comparatively small body of slaveholders, with a large number of colored slaves, and of white trash, placed by the slave aristocracy a grade below their own chattels. The white children were nursed by colored female slaves, and the children were the companions and tyrants of illegitimate slave children, and naturally imbibed in infancy the vices of a degraded manhood, of which the most difficult to eradicate is lying, the parent of an aggravated form of it denominated perjury.

This state also produced another remarkable effect—the strongest evidence of a semi-barbaric civilization—the universal carrying of firearms and bowie-knives, from the college student of twelve to the gray-headed judge or governor, with an indiscriminate use of these weapons at all times and under all circumstances. In some States duelling was forbidden, but it was always thought chivalrous to pistol or stab your enemy, often without any notice, even to be prepared for any acts of hostility.

These habits led Southern men to regard assassination, particularly if covered with any pretence, as a thing rather to be applauded than condemned.

The strongest exemplification of this was the brutal and cowardly attack of Brooks upon Senator Sumner, unannounced and without warning, with a predetermined design to prevent his defending himself, and sustained by armed men to prevent any defence. It was *brutal* in man-

ner, because the blows were on the head, to destroy a fine intellect; *cowardly*, because the assailant was afraid to meet his antagonist in his full strength and power. This was attempted assassination, costing the attacked years of pain and suffering, and hastened the death of the assassin, although received and cheered by Southern ladies, as a hero worthy of a laurel crown.

Such is the natural result of a slave aristocracy, where every man conceives he is to be his own judge and his own executioner.

When, therefore, States were seceding, and some leading secessionists instructed by the absconding ones were left at Washington, it is not surprising to find that means were taken to defeat the popular choice by assassination of the chief, as had been attempted in Alabama, when Douglas was electioneering in the South, in 1860.

Before Mr. LINCOLN left home for Washington in 1861, threats had found their way to the public ear, that he never would reach Washington alive. On the first day of his journey an attempt was made to throw the railway train off the track; and as he was leaving Cincinnati a hand grenade was found secreted in the car in which he was to travel; and there is no doubt that there was a conspiracy in Baltimore to assassinate him on his way to Washington, which he escaped by timely information from two independent sources, and appeared at the Capital to the entire discomfiture of the rebels and their friends. There were therefore three deliberate attempts made to assassinate the President before his inauguration, made no doubt with the knowledge and at the instigation of the leaders who were to profit by his death.

The cruelty of Jefferson Davis in not only permitting

but authorizing the cruelties inflicted upon our starving prisoners at Andersonville, Salisbury, and Richmond, with the deliberate intention of killing or disabling them, by want, exposure, and even by downright murder, is too well known to need detail or repetition. Rewards were publicly offered for the assassination of the President; and the report of the Committee shows that several distinct offers were made to Jefferson Davis of the same kind, which were deliberately considered by him and his advisers, but which were never known by the loyal North until discovered among the rebel archives after Richmond was in the possession of GRANT and his gallant army.

Jefferson Davis commenced his rebel career by two crimes—perjury as a Senator and former member of the Cabinet of President Pierce, and treason against the United States. He had been a cadet, and received his education at the expense of the government. A man guilty of two such heinous crimes can hardly be supposed not to have encouraged these preliminary attempts at the assassination of the chief, whom he branded as a usurper and a cruel and remorseless tyrant.

In examining the direct testimony adduced, we must not lose sight of the fact that the rebel emissaries in Canada were sent there by Jefferson Davis himself, under verbal instructions which their acts and declarations show to have included robbery, murder, and wholesale destruction of life by arson and by pestilence, through the deliberate introduction of contagious diseases, and that the guilty agents were screened and protected by the direct action of Jefferson Davis himself. The first idea of the rebels was the assassination of the President elect before his inauguration, as we have already seen.

The Canadian emissaries, according to their own accounts, were men capable of any crime up to the secret assassination of any loyal man who stood in their way. From whom did they receive their cue? From their master, Jefferson Davis, whose instructions were received from him verbally, and who had the uncontrolled command of the secret-service money or funds of the rebel government.

The first proposition is to blow up the President and Congress, at their extra session in July, 1861. This was undoubtedly made to the rebel Secretaries of War and State. The second is made on the 12th of September, 1861, which was to dispose of the leading characters of the North, and addressed to Jefferson Davis himself, which is indorsed by him, "Secretary of War, J. D.," and upon the back of this letter is the name and residence of the writer: "Has discovered mode of disposing of the leading characters of the North. File."

The third proposition to Jefferson Davis, himself, under date of 17th of August, 1863, after the defeat at Gettysburg, is made to assassinate "the most prominent leaders of our enemies." "For instance, SEWARD, LINCOLN, GREENLEY, PRENTICE."

*"The most plausible argument,"* says Mr. Durham, *"seems to be that to impress upon the Northern mind that for men in high places there to wield their influence in favor of the barbarisms that have been so cruelly practised upon us IS TO JEOPARDIZE THEIR LIVES. For designing leaders there to feel that the moment they array hordes for our desolation, at that moment their existence is in the utmost peril, would produce hesitation and confusion, which would hasten peace and our independence."*

This language reminds us of the poisoning at the National Hotel, which, if successful, would have given us a secession President, and which, it has been asserted, bent the President to the ultra Southern policy from a constant dread of assassination. Whether the same fear has so affected the policy of another President and the chief of his Cabinet, as to make them the friends of the rebellion and the enemies of the Union, is a question to be answered by men, one of whom was nearly killed and the other intended to be taken off by the hands of assassins, whose scheme was to destroy the elected chief of the Republic and every Cabinet adviser whose vigor was feared. Whether this fear, this dread of assassination, has produced "My Policy," is perhaps the most charitable view to be taken of measures which are destructive of the Union, and are placing the defenders of their country in the power of the rebels and traitors they had conquered on the field of battle.

This significant letter was received on the 24th August, 1863, and was indorsed: "Asks permission to take from three to five hundred men and *assassinate* the leading men in the United States. Respectfully referred by direction of the President to the honorable Secretary of War."

The next letter is that of Lieutenant W. Alston to Jefferson Davis, "who offers his services to rid the country of some of its deadliest enemies;" and this is J. D.'s construction of it, and it is "respectfully referred, by the direction of the President, to the honorable Secretary of War." This letter was received on the 29th of November, 1864, and was recorded December 15th, 1864, "By order. J. A. Campbell, A. S. W.," who had been asso-

eiate justice of the Supreme Court of the United States, and who thus made himself a confederate of assassins.

The whole course of the evidence implicates Thompson, Clay, and Sanders, and others, Jefferson Davis's trusted emissaries in Canada, with Booth and his fellow assassins; and the interviews of Surratt with Davis and Benjamin in Richmond make the conclusion irresistible that the assassination was planned in Canada and Richmond, and carried into effect by the subordinate agents of the rebel authorities.

“When Mr. Jacob Thompson,” says Montgomery, “spoke to me of the assassination, in January of this year (1865), he said he was in favor of the proposition that had been made to him to put the President, Mr. Stanton, General Grant, and others, out of the way.”

And then comes the clinching language of Jefferson Davis in his flight: “Well, General, I do not know; if it were to be done at all, it were better that it were well done; and if the same had been done to Andy Johnson, the beast, and to Secretary Stanton, the job would be complete.”

Does any man in his senses believe that Jefferson Davis was not a party—an active, controlling party—in the plot to assassinate ABRAHAM LINCOLN, WILLIAM H. SEWARD, ANDREW JOHNSON, EDWIN M. STANTON, and General GRANT?

If these propositions were scouted by the arch rebel, would he not have cautioned the President against these would-be assassins, as was the case of Mr. Fox in relation to the Emperor Napoleon, as related by Thiers in his second volume of The History of the Consulate and the Empire of France under Napoleon?—ch. 24.

This is his language: “A fortunate circumstance which

Providence owed to that honest man (Mr. Fox) furnishes him with a most honorable and most natural opportunity. A wretch, judging of the new English administration from the preceding, introduceed himself to Mr. Fox and offered to assassinate Napoleon. Mr. Fox indignantly ordered him to be seized by the doorkeepers, and delivered up to the English police. He wrote immediately a very noble letter to M. de Talleyrand, denouncing the odious proposal which he had just received, and offering to place at his disposal all the means for prosecuting the author, if his scheme appeared to involve anything serious."

The difference between Charles James Fox and Jefferson Davis was simply that the one was an honest man, the other *a perjured traitor and an assassin*.

### III.

The three Commissioners appointed to meet the President, in January, 1865, by Jefferson Davis, were Alexander H. Stephens, the second officer of the rebel government, R. M. T. Hunter, the President of the rebel Senate, and John A. Campbell, the rebel Assistant Secretary of War.

In January, 1865, Mr. Jacob Thompson had submitted the proposition to assassinate the President and others, which he was in favor of, to his government at Richmond. They had deferred giving an answer, and he was only waiting their approval. "My impression," said Montgomery, "from what Beverly Tucker said, was that he had received their answer and their approval, and that they had

been detained waiting for it." We have seen that three distinct proposals of assassination had been formally received by Jefferson Davis, read and referred to his rebel Secretary of War, and that the last letter was recorded on the 15th of December, 1864, by John A. Campbell, one of the rebel commissioners, and it cannot be supposed that the other two commissioners composing a part of the rebel government, were kept in ignorance of this fact. Still less can we suppose that these gentlemen were ignorant of the proposition submitted to the rebel government in January, 1865; and their official approval of the intended scheme of assassination. One of them was certainly privy to the plot, and yet neither this man, a former high judicial functionary, nor either of his associates, spoke one word of warning to their lawful President, who met them in the confidence, that although traitors they were not assassins.

One of these gentlemen claims a seat in the Senate, and is cordially received by the Executive, who has forgotten the assassination of the President, which would not have taken place if either of these three gentlemen had disclosed what they knew of the propositions made to the rebel authorities, and their approval by their official head.

The conclusion is inevitable of the complicity of Jefferson Davis in the assassination of **ABRAHAM LINCOLN**.

But of his treason, can any man doubt for a moment?

Whose fault is it that he is not tried? It is the fault of the Executive. It lies with him to cause the Attorney-General and his subordinates to institute criminal proceedings—and where? *Not in Virginia*, but in *Pennsylvania*, where he will get justice.

Is the traitor who starved and murdered our prisoners to be paroled, or pardoned, or to have only a mock trial, and, according to the Executive policy of reconstruction, to return to the Senate as a loyal Senator from the loyal State of Mississippi, absolved from all his crimes by the right reverend bishop of the diocese?



